

**Testimony of Peter Fuchs President, on behalf of The Executive Board of Doral Farm Homeowners Association to the Judiciary Committee in opposition to Raised Bill 1211.**

**April 1, 2015**

Since we were unaware of the hearings held by the Judiciary Committee on March 25, 2015 on this matter we are respectfully submitting this written testimony for consideration by the Committee at this time. Should the Committee wish we are available to provide any additional information either in person or in written form. Our testimony has three sections:

- 1) A brief background of Doral Farm**
- 2) Review of the decision process regarding the Solar Panel installation proposal at Doral Farm**
- 3) Concerns regarding Statewide legislation**

**A Brief Background of Doral Farm**

The Doral Farm community was built approximately 30 years ago and currently has 58 individual homes generally organized in clusters of three or four houses. Homeowners have consistently invested in maintaining the appearance and grounds of the community to provide a park like setting while maintaining a consistent look for all of our houses. We have been mindful of the importance of balancing the needs of our homeowners with environmental concerns. As an example we have worked closely with the local offices of the EPA over the years in the maintenance of our pond and the surrounding wetlands. To ensure that our property (approximately 60 acres) looks as attractive as possible we annually spend approximately \$400,000 on grounds maintenance, house painting and road repairs. Because we maintain our own roads we are planning to invest approximately \$1.5 million in the next two to three years to replace all of the roads.

Homeowners that have purchased homes in our community do so to a great extent because of the setting and appearance of the community. In fact, by comparison to similar stand-alone houses, homeowners probably pay a premium of at least 25% to purchase their homes and pay a substantial monthly fee for maintenance.

When people become homeowners they sign an agreement to abide by the rules and regulations which govern our Association and in doing so they knowingly and willingly give up some personal discretion that they would otherwise have in owning a private house. As homeowners they agree to abide by the will of the majority of all homeowners as it relates to all of our common property as well as the appearance of their houses. Our homeowners understand their obligations and responsibilities to their fellow homeowners and generally act accordingly. Homeowners can propose changes to their homes as they see fit, however before making any changes they must obtain approval from our Architecture Committee and the Executive Board. The process for making changes or additions to their homes is well defined and understood by all homeowners. Over the years numerous changes to structures

and materials which were deemed compatible with the look and feel of the community have been approved.

#### Proposal to Install Solar Panels

In the Fall of 2014 our Architecture Committee (AC) received a request from Louise Kaminer (who testified before your Committee on March 25, 2015) and Allan Goldberg to install solar panels on the roof of their home. The AC following our normal process thoroughly reviewed the proposal and ultimately recommended to the Board that it be denied on the basis that it would dramatically impact the appearance of the community and could adversely affect neighbors in nearby houses. The applicants then in accordance with our process filed an appeal to the AC which was also ultimately denied, again on the basis of the impact on the appearance of the community. The technological and economic aspects of the proposal were not questioned since the success or economic payback of the installation would ultimately fall to the homeowner.

Because of the importance of this decision, the environmental considerations and the far reaching impact on our community the Board decided rather than simply accept the recommendation of the AC to deny the request we would survey all of our homeowners on this question. To my knowledge the Association has not gone to these lengths in the past on any other architectural question. In December 2014 an email was sent to all homeowners asking if they would be in favor of allowing the installation of solar panels on the roofs of houses. It is important to note that we did not ask for a vote on the specific proposal under consideration nor did we question the effectiveness of the proposed technology or the perspective economic benefits for the homeowner. The result was overwhelmingly against solar panel installations. 46 of the 58 homeowners responded (we have many homeowners who leave for the winter months) to the email. In excess of 80% voted against allowing solar panel installations.

Based on this overwhelming vote the Board accepted the recommendation of the AC and denied the request of Kaminer/Goldberg. We believe strongly that this proposal received a full (actually more than full), fair and objective review in accordance with our existing process and the final decision reflects the desire on the part of the vast majority of our homeowners not to dramatically alter the appearance of the community. To come to any other decision would fly directly in the face of the sentiments of the majority of our homeowners.

Unfortunately Raising Bill No.1211 should it be adopted would deny our longstanding view that the majority of the homeowners in every Common Interest Ownership Community are in the best possible position to evaluate the potential impact on their communities of major changes such as solar roof panels.

#### Concerns Regarding Statewide Legislation

We believe that Raised Bill No.1211 is both unwise and unnecessary since it presumes that a one size fits all solution is appropriate across a wide variety of Common Interest Ownership Communities (CIOC). CIOC in the State come in a wide variety of property and building configurations, have vastly different financial arrangements for property and facilities management and have different cultures and interests. By way of example some communities have connected buildings with shared roofs and exterior walls while others such as ours have stand-alone houses in close proximity to one another. Some communities include roof maintenance in their common maintenance budgets while others do not. The installation of solar panels brings with it a set of highly complex issues which are best understood by the individual home owner associations. We believe that each home owner association following appropriate due process which is fair and thorough is in the best position to assess the appropriateness and potential impact of all architectural changes in their community including solar panel installations. Up to this point it seems as though this philosophy has served the CIOC in the State very well and we see no reason to depart from this simply based on the disappointment of one homeowner at Doral Farm.

We also believe that this proposed legislation is really unnecessary. It is not clear that there are a large number of homeowners who live in CIOC have been denied the right to install solar panels. If there are in fact people who feel strongly for either environmental or economic reasons (or both) that they must be allowed to install solar panels and that option has been denied they have several other options. They certainly can move to a private residence where they are free to install any and all varieties of alternative energy sources or they can move to a CIOC if that is their lifestyle preference that has approved such installations. Given that there really are numerous alternatives it seems completely unnecessary to create legislation to provide relief for people who don't really need it. Given the financial constraints that State governments are already grappling with it doesn't seem warranted to add another requirement for government administration where private organizations are and have proven that they can deal with such issues in a thoughtful manner.

We appreciate the opportunity to provide you with our views on this matter. Please feel free at your convenience to contact us for any additional information on our situation or the broader issues at hand. We are aware that you have many issues of State-wide importance to deal with and we appreciate your taking the time to consider our perspective.